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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 28 March 1996, at 10 a.m.

Chairman:	Mr. VERGNE SABOIA	(Brazil)
later:	Mr. MBA ALLO (Vice-Chairman)	(Gabon)

CONTENTS

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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GE.96-11940 (E)

CONTENTS (continued)

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (continued)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (continued)

The meeting was called to order at 10.10 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(item 5 of the provisional agenda) (continued) (E/CN.4/1996/22, 23, 106, 113 and 140; E/CN.4/1996/NGO/2, 3, 7, 8, 10, 14 and 15; E/CN.4/Sub.2/1995/12 and 15)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (item 6 of the provisional agenda) (continued) (E/CN.4/1996/10, 24 and 25; E/CN.4/1996/NGO/1, 8 and 11; E/CN.4/1995/11, 21 and 27)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (item 13 of the provisional agenda) (continued) (E/CN.4/1996/75, 76 and 96)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (item 14 of the provisional agenda) (continued) (E/CN.4/1996/77, 78 and 87; A/CONF.157/PC/62/Add.11/Rev.1; A/50/505)

1. Mr. SIRAJ (Malaysia) said that the lack of resources and attention devoted to economic, social and cultural development within the United Nations system must be rectified. Recent global conferences had consolidated the viewpoint that the social and economic security of people must be the centrepiece of national development plans. The declarations and programmes of action generated by those conferences took account of the social and cultural peculiarities of Member States and made it clear that attempts to impose cultural norms or standards of governance on other countries were counterproductive and not conducive to improving the economic, social and cultural conditions of all peoples. Malaysia, a pluralistic, multicultural society, was only too well aware of the dire consequences of ignoring specific social and cultural features. His Government was thus committed to the approaches to alleviating the human condition outlined at the global conferences.

2. The right to development entailed compliance with the rights of peoples to cultural, economic and social self-determination. Development must not be pursued at the expense of future generations, and economic activities that were environmentally and socially counterproductive should not be tolerated.

3. All aspirations to development would remain unfulfilled if not backed up by financial resources. The imposition of conditions on economic assistance, including an insistence on certain forms of governance, was a colonialist attitude that had no place in a time of increasing interdependence among nations.

4. His delegation welcomed the decision of the High Commissioner for Human Rights to promote the right to development by giving a branch in the restructured Centre for Human Rights responsibility for that area. It supported the establishment of an intergovernmental group of experts to devise a plan of action for the implementation of the right and make specific recommendations regarding a realistic and workable mechanism to evaluate national and international policies and to take account of natural and man-made factors impeding progress towards the right to development. The expert group should avoid duplication of efforts in other United Nations bodies in pursuance of the programmes of action agreed on at the global conferences.

5. His Government urged the developed countries to continue the dialogue on the right to development, aiming at the objective of a roof over every head, clothes on every body and food on every plate.

6. Mr. SALGADO (Brazil) said that cold-war, ideological controversies had tainted the defence of economic, social and cultural rights, with a consequent overemphasis on civil and political rights, but that had not prevented the United Nations from making progress on all human rights and perfecting its machinery for development cooperation. Since the cold war had ended and the World Conference on Human Rights had reaffirmed the indivisibility of all those rights, however, a new economic reality had emerged. Globalization and all it entailed implied a reduced role for Governments to the detriment of economic, social and cultural rights. There was thus a tension between the objectives outlined at Vienna and the powerful forces shaping the new world economy. The spirit of Vienna must be kept alive, excessive politicization avoided and open-mindedness and willingness to compromise demonstrated by all parties.

7. It was not for the Commission to condemn or condone market principles or globalization. It was authorized, however, to analyse current trends and identify practices which might hinder the full enjoyment of economic, social and cultural rights. Its main concern was human dignity which could not be retained where extreme poverty prevailed. It thus had a moral obligation to keep under review the impact on human rights of the debt burden and structural adjustment policies, of environmental issues and of extreme poverty and should endeavour to adopt consensus resolutions on those issues. Consequently, his delegation welcomed the progress made by the Working Group on the Right to Development in reconciling divergent views and elaborating constructive proposals and recommendations for the implementation of that right.

8. The right to development must be incorporated into the conceptual framework in which human rights bodies operated and to that end, clear strategies and work programmes must be devised. The Economic and Social Council should define practical objectives to be pursued by the specialized

agencies and other United Nations bodies. Under the guidance of the High Commissioner for Human Rights, the Centre for Human Rights should enhance its capacity for promoting the right to development.

9. Mr. H.K. SINGH (India) said that, although the Working Group on the Right to Development had made little headway in carrying out its mandate, the time had come to give shape and substance to the efforts to promote the right. Sustained and equitable social and economic development was essential to enable people to live a life of dignity and all States had a responsibility to promote an environment in which individuals could prosper and achieve their full potential. For its part, the international community must foster a climate in which all nations had a stake in promoting worldwide prosperity and development and must take steps to ensure equitable economic relations and to remove obstacles to the enjoyment of the right to development.

10. His delegation thus supported the establishment of a new mechanism - perhaps an intergovernmental group of experts - to elaborate a strategy for implementation of the right to development. The group, which should submit its proposals to the Commission at the next session, should evaluate and monitor progress to date and make suggestions as to how a more favourable international environment for the developing countries could be created. The new branch to be established in the Centre for Human Rights to promote the right to development must formulate a programme going beyond information dissemination and reporting and address the vital issue of implementation. Adequate resources must be provided to the Centre from the regular budget to support its activities connected inter alia with the right to development.

11. The right to development was not a North-South issue but a humanitarian one that arose wherever deprivation and marginalization occurred. The consensus reached at the World Summit for Social Development constituted the basis for addressing poverty, unemployment and social marginalization in both the North and the South through effective programmes of action and cooperation. In that connection, it was most regrettable that the United Nations bodies dealing with development had been relegated to the background and not provided with the resources they needed to carry out their mandated tasks.

12. The right to development could not automatically be realized by implementing civil and political rights, on the one hand, or economic, social and cultural rights, on the other. Rights could not be dealt with in a piecemeal fashion. In his own country, the judiciary had enlarged the scope of the fundamental rights that could be addressed in courts of law, thereby strengthening citizens' enjoyment of their economic, social and cultural rights. His Government had set itself the goal of continuing its economic reforms with due regard for vulnerable segments of society and the cohesiveness of the social fabric. Development, in his country's experience, was an organic, not a mechanical, process. It could not be implemented from above, but had to be participatory.

13. His delegation supported the continuation of efforts to implement the right to development, building upon those already made by the Working Group. The Centre for Human Rights had a particularly important role to play in that process and the High Commissioner for Human Rights should pay special

attention to the right to development in his restructuring of the Centre and should keep Member States informed about the implementation of his mandate regarding the right to development.

14. Mr. ZHANG Yishan (China) said that a number of problems affected the effectiveness and universality of human rights instruments. Though the country reporting system was useful on the whole, the preparation of reports was a time-consuming task that required a major effort by numerous governmental bodies and social groups and tremendous financial resources. Many countries, especially the developing ones, had difficulties in meeting the deadlines for report submission and the topics and questions that Governments were required to address were often repetitive. The universality of accession to treaties was affected by those problems, as countries understandably took them into account when deciding whether to accede.

15. The mounting number of reports had increased the workload of the treaty-monitoring bodies, with the result that many reports were not given prompt consideration. Moreover some treaty bodies addressed issues outside their terms of reference or duplicated the work of other bodies. The requests for additional meetings of the treaty bodies to cope with the increasing workload, required careful study, especially in the light of the financial situation of the United Nations. The reporting system must be simplified, the efficiency, responsibility and objectivity of the treaty bodies increased and the trust of States parties in the reporting process enhanced. A number of specific proposals to that end had been made which could establish the basis for a reform of the work of treaty bodies.

16. His Government fulfilled its convention obligations to the full. In 1995, it had submitted three reports on the implementation of human rights conventions. In preparing the reports, it had solicited the views of various governmental bodies, social groups and non-governmental organizations (NGOs) to ensure that the reports reflected as objectively as possible the implementation of the conventions in China. Activities connected with the preparation of the reports had also served to inform Chinese society about the human rights conventions.

17. Mr. TORELLA di ROMAGNANO (Italy), speaking on behalf of the European Union, the Central and Eastern European countries associated with the European Union and the associated countries of Cyprus and Malta, said that the development and consolidation of democracy and the rule of law, as well as respect for human rights and fundamental freedoms, were general objectives of the Union's common foreign and security policy. Those principles applied also to the Union's development cooperation policy, which sought to foster the sustainable economic and social development of the developing countries, their smooth and gradual integration into the world economy, and the reduction of poverty in them.

18. The Union's development cooperation policy was based on the idea that the welfare of every human being was linked to the development of society as a whole. In that respect the recently modified Lomé Convention contained some innovating provisions which, in the form of decentralized cooperation supported by financial aid, aimed at encouraging all sectors of society in the countries concerned to contribute to autonomous national development. In

implementing those principles, the European Union's action was designed to increase awareness and promote human rights and democracy, reinforcing the link between development cooperation, human rights and democratic principles, the rule of law and sound administration with a view to ensuring that development projects had greater impact and viability.

19. The Union supported action to reinforce the rule of law in developing countries and the process of transition to democracy; it also initiated projects to strengthen the role of NGOs and institutions promoting a pluralist civil society. It did so both because those ends were desirable in themselves and because human rights were intrinsic to sustainable development and a stimulus to economic growth.

20. The corollary to that positive action was that serious and persistent violations of human rights or interruptions of the democratic process called for appropriate reaction. Thus agreements between the Union and third countries included a "suspension clause" enabling it to react immediately, in cases of violations of essential elements of the agreements, notably in respect of human rights. The modified Lomé Convention further enhanced consultation mechanisms for examining a given situation and finding a solution.

21. The Union had taken note of the comprehensive report submitted by the Working Group on the Right to Development (E/CN.4/1996/24). It shared the Group's finding that the most noteworthy contribution of the Declaration on the Right to Development was that it established the organic link between development and human rights. Any denial of human rights constituted an obstacle to development, while development that failed to take account of all human rights would be incomplete. Each of the categories of human rights constituted an essential component of the right to development, which became the resultant of the promotion of each and every one of them.

22. Although a favourable international environment was an important factor in the realization of the right to development, the implementation of that right was first and foremost the result of a national policy and strategy which took into consideration the specific context of each country. Popular participation, including that of persons from minorities and indigenous peoples, was an essential condition for the right to development. Special attention should be given to promoting the participation of women.

23. The Union was looking forward to discussing the many recommendations presented in the report and was committed to determining the appropriate follow-up to the Working Group's activities.

24. In the Copenhagen Declaration and Programme of Action, the Heads of State and Government had emphasized the interrelationship between social development and social justice, peace and security and respect for all human rights and fundamental freedoms. They had, consequently, committed themselves to promoting social integration by fostering societies that were stable, safe and just and that were based on the promotion and protection of all human rights, as well as on non-discrimination, tolerance, respect for diversity, equality of opportunity, solidarity, security and the participation of all people,

including disadvantaged and vulnerable groups and persons. Those recommendations must be taken into account in the implementation of the right to development.

25. Similarly, the Fourth World Conference on Women had confirmed that women's rights were human rights and had recognized, that women's empowerment and their full and equal participation were fundamental for the achievement of sustainable economic, social and democratic development. Women's economic independence and their rights and access to resources and power were essential to prevent them from becoming the first victims of poverty and to ensure their participation in decision-making.

26. New wars continued to take shape, in many countries democracy was not a reality, and hundreds of millions of people lived in extreme poverty. Those situations constituted major obstacles to the effective enjoyment of human rights, including the right to development. The Union was committed to working for durable solutions, but the goal could be reached only through simultaneous national and international efforts.

27. Mr. Mba Allo (Gabon), Vice-Chairman, took the Chair.

28. Mr. TCHUMAREV (Russian Federation) said that the World Summit for Social Development had recognized the need for the international community to help States undergoing radical political, economic and cultural transformations, where dangerous social problems were emerging. As a result of political and economic reforms, the foundations of democracy and of a market economy had been laid in Russia but the country was not yet enjoying a stable and high standard of living. The main task in the next stage of social and economic transformation would be to strengthen substantially the guarantees for the enjoyment of social and economic rights. In so doing, a balance would have to be found between social needs, the country's economic potential, and the laws of the market. His Government considered that an active social policy was not at variance with the goals of economic stabilization and that democracy was the basis of State development. Freedom and democracy, which were not the prerogative of any one nation, were the principal precondition for progress and prosperity.

29. It was important to improve coordination between the United Nations bodies responsible for social and economic rights and those concerned with civil and political rights. All human rights were indivisible, universal, interrelated and independent. International financial institutions should thus give due consideration to the human rights implications of the social programmes they prepared and implemented.

30. The Copenhagen Declaration and Programme of Action had established the basis for achieving consensus and reviewing the concept of development and development policy. There was an organic link between social and economic development, democracy and the realization of human rights, and underdevelopment could not serve as a justification for violating human rights and fundamental freedoms. Disproportionate emphasis on any one category of rights inevitably led to instability and tension.

31. His delegation much appreciated the work done by the Working Group on Development and welcomed the efforts of the High Commissioner for Human Rights to develop a strategy to promote the right to development, in the consideration of which a spirit of consensus should prevail.

32. Universal ratification of the basic international human rights instruments was of great importance, as was the work done by United Nations treaty bodies to ensure that States complied with their international human rights obligations. In that connection, studies should be made, of the problem of reservations to international human rights treaties and obstacles to their ratification. A strengthening of the advisory services programme would lighten the task faced by successor States when confirming their obligations.

33. The treaty bodies made a useful contribution to the implementation and development of international standards. However, they had been established on the basis of international agreements defining their purpose, scope and methods, with which they must strictly comply; some of which were displaying a tendency to interpret their mandate very broadly. However, Governments, too, must respect the conclusions and recommendations of the treaty bodies. The unacceptable attempts by some Governments to contest the validity of such conclusions and recommendations by casting doubt on the competence and reputation of the experts chosen by the Governments themselves, were a source of concern. In any case, the treaty bodies should be actively involved in the development of international human rights standards, and their cooperation with regional human rights defenders was welcome.

34. Mr. van WULFFTEN PALTHE (Netherlands) said that human rights standard-setting had largely been accomplished and the essential challenge was currently implementation, which was rather complicated in the case of economic, social and cultural rights since many of them were not amenable to judicial enforcement. Closer cooperation among the various human rights organizations and bodies could, however, help to secure a better implementation of those rights.

35. The absence of clear indicators was one of the main obstacles to the implementation of economic, social and cultural rights. Further studies should therefore be made of the possibility of establishing social and economic indicators relating to quantitative and statistical data. Such indicators would be important not only for the treaty bodies but also for United Nations agencies in determining basic human rights needs and could also be used for policy purposes by national Governments. The human development index and the human freedom index developed by the United Nations Development Programme (UNDP) could be useful in that respect, and the Committee on Economic, Social and Cultural Rights might study the possibility of using them to measure implementation.

36. It was also necessary to ascertain whether a given State had taken positive steps to achieve the full realization of economic, social and cultural rights, and, if not, what further steps were needed. In any case, since implementation was concerned with State accountability, the importance of good governance, democracy and development could not be overlooked.

37. The Commission had noted the steps taken by the Committee for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant (resolution 1995/15, para. 6). The Committee had since continued its consideration of a draft optional protocol and, at its thirteenth session, had decided to devote a "day of general discussion" to the topic with a view to finalizing that work.

38. At the Commission's fifty-first session, his delegation had raised a number of questions about a possible optional protocol which should be taken up during the "day of general discussion". They concerned the need to develop indicators before drafting an optional protocol, whether government policies in the socio-economic field could be narrowed down to individual rights to be judged on their merits, and whether it was possible to establish a causal link between an alleged violation and action or failure to act on the part of a Government. One solution that had been suggested was to focus on a core of economic, social and cultural rights, which would constitute a floor below which conditions should not be permitted to drop. Even then, however, it would not be easy to identify the precise judiciable elements, and it would seem even more difficult to pronounce a judicial verdict.

39. An issue which merited further consideration was whether violations of economic, social and cultural rights could be effectively dealt with through existing national and international complaints procedures in the realm of non-discrimination, since it often happened that, when access to food, health, housing or education was denied, complaints essentially concerned alleged acts of discrimination. In such cases, the classic right to non-discrimination, as set forth in article 26 of the International Covenant on Civil and Political Rights, also applied to economic, social and cultural rights.

40. Mr. GONZALEZ MARCHANTE (Cuba) said that very little had been done to implement economic, social and cultural rights or the right to development and partial and restrictive interpretations giving greater importance to civil and political rights were still being heard, though United Nations statistics showed a serious fall in the main economic indicators and in living conditions in the developing countries.

41. Lack of market access, shortage of capital, growing protectionism, unequal exchange rates, dumping, debt-servicing, high interest rates, the inverse transfer of funds, low commodity prices, lack of access to advanced technology and information, and coercive economic measures were only part of the string of disadvantages which the industrialized countries had imposed in their relations with the developing world. Of particular importance was the external debt of the developing countries, which continued to grow. Structural adjustment policies and unjust conditionalities imposed by the Bretton Woods institutions had led to drastic reductions in budgets for sectors such as health and education, demonstrating the utter failure of the neo-liberal recipe.

42. The High Commissioner for Human Rights should thus make every effort to find ways of eliminating the harmful effects of structural adjustment policies

on all human rights, and in particular on economic, social and cultural rights. A draft resolution on the external debt problem would be submitted to the Commission.

43. His delegation had participated actively in the work of the Working Group on the Right to Development. That work should be continued with a view to elaborating successful strategies for the effective implementation of the right to development. Also, a specific branch dealing with the subject should be established within the Centre for Human Rights, together with a specific subprogramme.

44. Mr. CONROY (Australia) said that, since only universal ratification of human rights instruments could ensure full respect for human rights, his delegation agreed with previous speakers that reservations to those instruments could seriously undermine their value and should be kept to a minimum.

45. The mounting workload and growing backlog of the treaty bodies, the increasing burden on States of reporting requirements and the lack of resources for the Centre for Human Rights was threatening the effectiveness of the human rights treaty system. Overlapping provisions of the treaties themselves often led to duplication in reporting requirements and could even give rise to conflicting human rights jurisprudence.

46. His delegation thus endorsed the proposals to overhaul the human rights treaty system contained in the interim report of the independent expert (A/CONF/157/PC/62/Add.11/Rev.1) and urged all States parties to the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination to make the necessary declarations in support of the amendments to those treaties, under which the corresponding treaty bodies would be funded by the United Nations regular budget.

47. He welcomed the plan, contained in the Secretary-General's report (E/CN.4/1996/77) to develop an information retrieval and database system for the Committee on the Rights of the Child, which could serve as a model for other human rights treaty bodies and stressed the urgent need for an internationally accessible electronic database for all treaty bodies and for all documents of the Centre for Human Rights.

48. For its part the Commission must respond to the challenge of improving the effectiveness of the United Nations treaty body system by according it the proper priority.

49. Mr. THINLEY (Bhutan) said that the extent to which any society valued and achieved respect for human rights would depend on the degree to which it was freed from the effort of meeting basic needs. Growing poverty and deprivation in many parts of the world remained serious obstacles to the right to development and the wide gap between the poor and the rich countries continued to call into question the moral and material commitment to development of the international community. The great majority of the industrialized countries had failed to meet the ODA target of 0.7 per cent of their gross national product (GNP).

50. It was heartening, therefore, to note that the Government of Denmark had pledged to continue to devote 1 per cent of the country's GNP to ODA and that the Government of the Netherlands was promoting sustainable development in cooperating countries on the basis of equal partnership and mutuality of benefits.

51. The essence of the right to development was the right of individuals and groups to participate in defining and attaining development goals. In his own country, people at the grass-roots level were exercising greater power in decision-making than government officials and leaders, the tradition of participatory development was becoming deeply entrenched, and the right was being exercised with an admirable sense of responsibility and productivity.

52. His delegation endorsed the recommendation of the Working Group on the Right to Development that an intergovernmental group of experts be established to develop the conceptual aspects of development and elaborate a global strategy for the promotion of the full realization of the right to development. It also welcomed the efforts of the High Commissioner for Human Rights to promote and protect the right to development and particularly his plan to establish a new branch of the Centre for Human Rights to deal specifically with that right. It hoped that the new unit would not be starved of funds.

53. Mr. HASSAINE (Algeria) said that the consensus on the right to development reached at the World Conference on Human Rights had been undermined by approaches which insisted on a dichotomy between individual rights and collective rights, to the detriment of the latter. Fortunately, the consensus had been recently reaffirmed at a number of world conferences and the concept of the indivisibility, interdependence and universality of human rights, including the right to development, was once again ascendant.

54. While States were responsible for development at the national level, it was incumbent on the international community to take more global measures. It was vital, for instance, to lighten the debt burden of the developing countries, which was one of the main impediments to their economic progress. Developing countries were at a disadvantage in the world market: competition forced them to sell their products at cut-rate prices and to keep production costs as low as possible. Ways must thus be found to protect them from the vagaries of the market. International cooperation and solidarity must also take into consideration the human and social aspects of development.

55. The absence of objective assessment standards was a serious obstacle to evaluating progress in realizing the right to development. His delegation thus endorsed the idea of establishing a group of experts to elaborate a strategy for the realization of that right. It was also in favour of the submission by States of voluntary periodic reports on their efforts. It welcomed the General Assembly resolution on the right to development, whereby a new branch of the Centre for Human Rights would be entrusted with ensuring the implementation of that right.

56. Mr. LEGAULT (Canada) said that development strategies had been too narrowly focused on economic growth, leaving many segments of society out of the development process. The Declaration on the Right to Development

recognized that the human person must be the central subject and beneficiary of development and that economic, social and cultural rights could not be fully realized without respect for civil and political rights. Equal access to resources could be achieved only where there was equal participation in decision-making; that in turn could be attained only where there was access to the information needed to participate in the public debate.

57. The right to development could be exercised both individually and collectively. States had the ultimate responsibility for the implementation of the right, through the establishment and implementation of sound economic and social policies and by guaranteeing honest government, financial probity, accountability and transparency.

58. While, in the past, the right to development had been the subject of acrimonious debate between the developed and the developing world, the international community had been slowly moving towards a consensus on that issue. A new vision of development as people-centred had emerged from the recent series of world conferences. At last year's session of the General Assembly, his delegation had been one of the sponsors of a balanced resolution on the right to development and it hoped that a similar consensus would emerge at the current session of the Commission.

59. The conclusions and recommendations contained in the final report of the Working Group on the Right to Development (E/CN.4/1996/24) merited careful consideration. His delegation agreed with the Working Group on the need for a supportive international environment to implement the right to development. The Group had identified external debt, difficulty of access to the world trading system, and lack of coherence of macroeconomic policies as obstacles to the implementation of that right.

60. In fact, the members of the G-7 Summit meeting in June 1995, had urged the multilateral institutions to help the poorest countries become integrated into the world trading system and had agreed to pursue appropriate macroeconomic and structural policies to maintain the momentum of growth, while recognizing the special role of the Bretton Woods institutions in promoting macroeconomic stability.

61. Under the restructuring proposed by the High Commissioner for Human Rights, the newly created branch of the Centre for Human Rights dealing with the right to development would be able to provide policy advice on the right to development to other parts of the Centre and make them more aware of how they were contributing to the implementation of the right to development.

62. Human rights bodies must work in tandem with United Nations agencies and programmes directly involved in development. He welcomed the efforts of the High Commissioner to encourage international financial institutions and development agencies, to take account of the human rights dimensions of their work. Any efforts by the human rights bodies with regard to the right to development must complement rather than duplicate the work of others.

63. The key to implementation of the Declaration on the Right to Development was close coordination between the Centre for Human Rights and other development-related parts of the United Nations system. The Administrative

Committee on Coordination (ACC) was planning to assess the human rights implications of the policies and strategies of all agencies, and the results of that evaluation would play an important role in promoting the right to development.

64. The new policy framework set out in the Agenda for Development must give appropriate emphasis to democracy, human rights, the integration of social and economic development, and public participation.

65. Mr. WIDODO (Indonesia) said that it was a matter of concern that, despite the solemn reaffirmation by the international community of the right to development as a universal and inalienable right and as an integral part of fundamental human rights, very little progress had been made in implementing that and other economic, social and cultural rights. Certain countries had been reluctant to recognize the right to development out of fear that civil and political rights would be overshadowed in what they perceived as a zero-sum game.

66. Nevertheless, the international community was finally coming to see that problems related to the realization of the right to development, including poverty, unemployment and social disintegration, could be solved only through global cooperation. The recent series of world conferences on human rights issues had affirmed that, while developing countries were responsible for their own development, the developed countries also needed to make an active contribution.

67. It was never too late for the Commission to pay more attention to the realization of the right to development. He welcomed the report of the Working Group on the Right to Development and endorsed, in particular, its recommendation that an intergovernmental group of experts should be established and entrusted with the task of elaborating a global strategy for the full realization of the right. It was imperative for the Commission to take a new action-oriented approach to that issue, leaving behind its traditionally sterile and unproductive rhetoric.

68. He wished to commend the High Commissioner for Human Rights on his tireless efforts to promote the right to development and welcomed his decision to create a new branch of the Centre for Human Rights which would have special responsibility for ensuring respect for the right to development. The Centre would need to be further strengthened in order to fulfil its new mandate.

69. National and international NGOs should take the lead in three important areas: mobilization of public support; debate on the issues; and implementation of the right to development.

70. As a developing country, Indonesia was convinced that peace and stability were at once prerequisites for development and could not be sustained without development.

71. Mr. AL-TIKRITI (Observer for Iraq) said that the right to development was a comprehensive right, encompassing the entire range of human rights. It had, therefore, political, economic and moral implications. The Declaration on the

Right to Development gave effect to Article 55 of the Charter, which emphasized the right of States, peoples and individuals to social development and progress.

72. At the international level, there were a number of obstacles to the realization of the right to development: unfair and unequal economic relations between developing and developed countries, the deterioration in the terms of trade, the absence of respect for the right to self-determination, interference in the internal affairs of the developing countries, inadequate transfer of technology, the debt burden and heavy arms expenditures.

73. At the national level, the impact of economic sanctions was a major impediment to the development process in developing countries. Those countries were not in a position to fight against such sanctions, which not only paralysed progress but undermined the gains already made. The Working Group on the Right to Development should consider the topic. His own country had been a major sufferer. The aggression launched against Iraq in January 1991, and the continued imposition of economic sanctions, had resulted in irreparable physical and psychological damage. In that connection, he recalled that one representative of the United States had said that it was prepared to destroy the entire development process in Iraq, while another had, more recently, said that neither history, culture, economic circumstances nor sovereign prerogative could be used as grounds to excuse or permit the theft of human dignity. There was a manifest inconsistency there.

74. The international community was fully aware that economic sanctions were causing severe suffering in the target countries. In his Agenda for Peace, the Secretary-General had made it clear that the purpose of sanctions was not to punish or take revenge on the party concerned. The Secretary-General had also raised the issue of whether the suffering of vulnerable groups they involved was a legitimate means of exerting pressure on a State. Such sanctions were, moreover, incompatible with the stated United Nations objective of implementing the development process.

75. The issue of sanctions and their harmful consequences for development and human rights had also been raised by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Beijing Programme of Action provided for the taking of measures, consistent with international law, to ease the negative effects of economic sanctions on women and children.

76. Mr. DEGUENE KA (Observer for Senegal) said that the dichotomy between civil and economic rights and between individual and collective rights was more an ideological than a substantive difference. The aim of the right to development was the improvement of the standard of living of every human being. It was exercised at both the national and international levels.

77. It was at the international level that the right to development called for major changes because its basic underlying notion was a heavy emphasis on international solidarity and partnership and thus required the establishment of a system based on an internal and international social order such that the rights and freedoms of each individual could be fully effective. All the

negotiations upon which the fate of the developing countries depended should be placed in that context. In implementing their economic policy, all States should avoid causing harm to other States and their peoples.

78. His delegation welcomed the results achieved by the Working Group on the Implementation of the Right to Development and thought that the Commission should extend its mandate.

79. Mr. MCHUMO (Observer for the United Republic of Tanzania) said that the realization of the right to development internationally could be achieved only through international cooperation based on a partnership and a shared mutuality of interest between developed and developing countries, on the understanding that the development of developing countries was in the long-term interest of the developed countries as well and that the developing countries themselves assumed primary responsibility for their own development.

80. While there could be no single model for development applicable to all countries, his Government felt that the State had a crucial role to play in providing the regulatory framework for economic agents while also initiating, stimulating and directing economic development.

81. The developed countries should establish a new and more equitable international economic order, assist the developing countries to obtain true value for their labour and address the foreign debt problem of the developing countries as a matter of urgency. In that connection, it was imperative that those countries should honour their past commitments. The NGOs in the developed countries were to be commended for their efforts on behalf of the developing countries, based on a sense of shared humanity.

82. His delegation supported the draft resolution on the right to development and the Working Group's recommendation that the Commission should set targets for the implementation of the Declaration on the Right to Development.

83. Ms. WILSON (Observer for New Zealand) said that she wished to draw attention to the strains under which the treaty body system was operating. States, such as her own, which had ratified all six of the core instruments faced substantial reporting burdens and reports to different treaty bodies often duplicated each other in important areas. Needless to say, the reporting burden fell particularly heavily on smaller and developing countries.

84. While her delegation supported the reform initiatives currently under way to reinvigorate the human rights treaty system, it also believed it essential to the integrity of the system that States should meet their reporting and other obligations under the various instruments. Overdue reports or excessive backlogs undermined the system by creating substantial delays in consideration of States' fulfilment of treaty obligations. It was also crucially important that adequate resources should be dedicated to the treaty system, including to the bodies themselves and to the Centre for Human Rights.

85. In that connection, her delegation fully supported the reforms proposed by the independent expert in his study on possible long-term approaches to

enhancing the effective operation of the treaty system (A/CONF.157/PC/62/Add.11/Rev.1) and commended them to the Commission.

86. Mr. TANDAR (Observer for Afghanistan) said that his delegation was concerned about land-mines, which constituted a major obstacle to development since they killed or maimed millions of innocent people worldwide, decimated livestock and rendered fertile agricultural lands inaccessible, thus impairing physical integrity and seriously violating the right to security. Apart from the casualties and damage the mines caused, operations to clear minefields were very expensive and wasted money that could be more profitably employed.

87. Given the devastation caused by those weapons, world public opinion had been mobilized and some, but not all, States had decided to stop manufacturing them, while others had imposed moratoriums on their manufacture or on their sale. It was urgently necessary to impose an absolute ban on the manufacture, storage, sale and use of anti-personnel land-mines and to destroy all existing stocks as well as to intensify mine-clearance operations in the countries seriously affected by the presence of such mines.

88. Mr. DENGO (Observer for Costa Rica) said that the globalization of the world economy had widened the gap between developed and developing countries and had reduced the prospects of the inhabitants of developing countries securing equitable access to sources of wealth. Fortunately, the right to development had been recognized as a universal and inalienable human right, closely interrelated with peace and democracy, and it had also been concluded that development should be carried out in a sustainable way.

89. His Government was thus implementing a sustainable development policy at the national and subregional levels. However, if the right to development were to be implemented globally, then international cooperation and solidarity were vitally needed, in the form of a multilateral approach to shaping the world's economy that guaranteed equal participation by all States and involved also the international financial institutions. He appealed to the developed countries to collaborate with the developing countries in meeting that new challenge and creating a better and more equitable world.

90. His delegation commended the Working Group on the Right to Development on its activities and stressed the importance it attached to the work of the High Commissioner for Human Rights, including his decision to establish, as part of the restructuring process of the Centre, a new unit for the promotion and protection of the right to development.

91. Mr. CUNHA ALVES (Observer for Portugal) said that the World Conference on Human Rights had stressed the need for an optional protocol to the International Covenant on Economic, Social and Cultural Rights to establish a mechanism for monitoring States' compliance with their obligations in that area. Such a mechanism should provide for individual complaints concerning violations of human rights recognized by the Covenant.

92. The Committee on Economic, Social and Cultural Rights had a fundamental role to play in promoting awareness of the provisions of the Covenant. It had carried out in-depth studies of the rights recognized by that instrument and was endeavouring to improve its methods of work.

93. Much had still to be done on the subject of extreme poverty, which was not only the result of the non-enjoyment of economic, social and cultural rights but also closely linked to the exercise of civil and political rights. Measures would have to be adopted to overcome the obstacles that prevented women from fully enjoying their economic, social and cultural rights. The forthcoming Habitat II Conference would provide the opportunity to reaffirm the right to adequate housing as a human right.

94. The Bretton Woods institutions, which were directly responsible for designing, promoting and monitoring structural adjustment programmes, must take account of the impact of their programmes on human rights. There should thus be increased participation of representatives of such institutions in the deliberations of human rights bodies including the Committee on Economic, Social and Cultural Rights.

The meeting rose at 1.05 p.m.